

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDWARD R. WHITTINGTON,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

CASE NO. C05-1914RSM

ORDER GRANTING DEFENDANT'S  
SUMMARY JUDGMENT MOTION AND  
DISMISSING CASE WITH PREJUDICE

The Court, having reviewed the Complaint, defendant's Motion for Summary Judgment, the Report and Recommendation ("R&R") of the Honorable James P. Donohue, United States Magistrate Judge, the Objections thereto, the Response to those Objections, and the remainder of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation with the following additional comments. In plaintiff's Objections, he continues to argue that there is a genuine issue of material fact as to whether unsanitary conditions at the King County Jail led to his recurring MRSA infections. However, plaintiff ignores the fact that, even assuming such unsanitary conditions existed, lab reports confirmed that he presented with an existing MRSA infection when booked into jail on November 27, 2003. Further, the record shows that such infections can recur even after being fully treated with antibiotics, and even in sanitary conditions. Thus, as Judge Donohue found in his R&R, plaintiff can prove no causal link between any alleged unsanitary conditions and

ORDER OF DISMISSAL

1 his recurring MRSA infections and his Eighth Amendment Claim must fail.

2 (2) Defendant's motion for summary judgment (Dkt. #31) is GRANTED, and this action is  
3 DISMISSED with prejudice.

4 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant,  
5 and to Judge Donohue.

6 DATED this 15th day of December, 2006.

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8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
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